

No. PD-0710-18

In the
Court of Criminal Appeals
Of the State of Texas

FILED
COURT OF CRIMINAL APPEALS
1/11/2019
DEANA WILLIAMSON, CLERK

Jesse Galindo Delafuente

v.

The State of Texas

Appeal from the 10th Court of Appeals

No. 10-16-000376-CR

**Petitioner's First Motion for
Extension of Time to File Brief**

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Attorney for Petitioner

TO THE HONORABLE COURT OF CRIMINAL APPEALS:

JESSE GALINDO DELAFUENTE, Petitioner, moves for an extension to file Petitioner's brief.

I.

Petitioner JESSE GALINDO DELAFUENTE moves this Court to allow an extension of thirty (30) days to file his brief. Petitioner was convicted of the offense of Evading Arrest in a Motor Vehicle and was sentenced to ten years in the Texas Department of Criminal Justice, Institutional Division. The trial and sentencing took place on October 31, 2016. The Tenth Court of Appeals issued its opinion on June 27, 2018 denying Appellant's requested relief. Petitioner filed his petition for discretionary review on August 28, 2018 and that petition was granted on December 12, 2018. Petitioner's brief is due on January 11, 2019.

II.

**REQUIRED INFORMATION PURSUANT TO
THE RULES OF APPELLATE PROCEDURE**

A. The deadline for filing the brief:

January 11, 2019

B. The length of the extension sought:

Thirty days

C. The facts relied upon to reasonably explain the need for the extension:

Petitioner's Counsel has made progress on the brief but needs additional time to complete it properly. Within the last few weeks, Counsel's firm

has moved into a new office building that he personally renovated. Counsel has needed to finish aspects of the renovation while moving in, including laying tile and wood work, among multiple other tasks. As with most construction work, this process has taken more time than Counsel expected. Additionally, Counsel must travel to Austin from Waco on the day the brief is due for a doctor's appointment for his young child and a separate appointment in Austin with a reading specialist for his middle child. Counsel is engaged in a full-time practice of criminal and family law. Counsel has been appointed to and retained by several new clients. In addition, counsel carries a heavy load of existing trial and appellate work.

The number of previous extensions granted for this brief:

None

III.

The additional time requested is not sought solely for delay, nor sought frivolously, but will be of genuine assistance to Petitioner's attorney in allowing to timely file the brief.

REQUEST FOR RELIEF

Petitioner requests that this Court grant his Motion and extend the deadline for filing Petitioner's brief to February 11, 2019 or that this Court grant such additional time as is just and proper.

Respectfully submitted,

/s/ Robert G. Callahan II _____
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been sent via Electronic Service to the office of the Criminal District Attorney for McLennan County, and the State Prosecuting Attorney on January 11, 2019.

/s/ Robert G. Callahan II

Robert G. Callahan II

Attorney for Petitioner